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List of issues and questions in relation to the second periodic report of Montenegro

Addendum

Replies of Montenegro*

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Note: The present document is being issued in English, French and Spanish only.
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Prepared by the Ministry for Human and Minority Rights in cooperation with all competent Montenegrin institutions

Constitutional and institutional mechanism

Question 1

1. The Ministry of Human and Minority Rights (MHMR) continuously undertake measures for implementation of legislation to prevent discrimination based on sex, sexual orientation, gender identity from the Law on Prohibition of Discrimination (LPD) and the Law on Gender Equality (LGE) through compulsory education and the promotion of anti-discriminatory behaviour and practices. Education is included in the Plan for implementation of anti-discrimination legislation of MHMR and is carried out for the past five years.

2. *One module in each cycle of education is dedicated to the protection of discrimination against women and achieving gender equality*. Education included representatives of judiciary, Protector, NGOs dealing with human rights, then, police, local self-governments, inspection services, misdemeanour courts, state prosecution and centres for social work. Each education cycle is divided in five modules comprising of five seminars and five accompanying workshops each year. In 2016 there were six modules. The attendance is mandatory. This activity is supported by the OSCE ("Education Curriculum" can be found on www.mmp.gov.me).

3. MHMR in 2016 implemented a media campaign on non-discrimination and promotion of anti-discriminatory behaviour, under the slogan *"Is there a difference? — Support Equality"*.

4. The Supreme State Prosecution, in cooperation with other institutions and NGOs, is implementing measures to prevent direct and indirect discrimination based on sex, sexual orientation, gender identity based on the LPD in the form of training for prosecutors and associates. According to the Prosecutorial Council Secretariat, in the course of 2016 were organized several seminars and working meetings regarding these topics, what is presented in annex I.

5. The Human Resources Management Authority and the Vocational Training Centre (VTC) organized in November 2016 a round table "Education of employees in the field of gender equality", where the innovated LGE from 2015 was presented.

6. In November 2016, representatives of Montenegrin institutions and NGOs dealing with gender equality, were introduced to the Commentary on the LGE, developed by experts in this area.

7. The Supreme Court stated that in the period between the submission of the II Periodic report until the end of 2016, there were no cases of discrimination based on sex, and that court cases in which the Montenegrin judges refer to the respective provisions of the Convention were not recorded.

Access to justice and legal complaint mechanisms

Question 2

8. In cases of discrimination the Protector is authorized to file a lawsuit with the consent of the victim or to appear as an intervener if the party makes credible the occurrence of discrimination and Protector assesses that the conduct of the defendant led to discrimination on the same basis, of the group of persons with the same characteristics. The Protector obtained exclusive jurisdiction to act on complaints for discrimination based on sex in accordance with the innovated LGE. The Protector has continuous cooperation with NGOs advocating for women rights, and is continuously working on the empowerment of victims of gender inequality and in particularly of violence against women, so to report and actively participate in the proceedings for the protection of victims. The Protector participates to all promotional activities, and, within its competences, launches initiatives for legislative reform and protection of gender equality through other forms of action. A representative of the Protector is a member of the National Council for Gender Equality (see annex II).

9. According to 2017 Law on Budget, to the Protector are allocated the funds for promotion of overall researches in the field of human rights (general protection, National Preventive Mechanism against torture — NPM, protection of children's rights and protection from discrimination) in the amount of €2,000, and for membership in networks (domestic and international) €2,500. Within the current budget are provided funds for the following expenses: "material for special purpose" — €1,000, professional development services — €1,500, and the total cost of fuel at the level of entire institution (including NPM visits) are set at €3,500, while for all travel expenses at annual level is provided €14,683.20. These data do not correspond with the conclusions of some international bodies and national Committee for Human rights and Freedoms about the need for greater visibility of the institution and its proactive, promotional activities, because this simply is not possible due to restrictive budget of the Institution.

10. LPD provided the possibility to initiate a court procedure for discrimination. Article 24 of the Law provides that anyone believing to be discriminated by treatment of an organ, business company, other legal person, entrepreneur and natural person has the right to be protected before the court. The procedure is initiated by a lawsuit. The procedure for protection from discrimination is urgent. Revision is always permitted in the dispute for protection from discrimination.

11. By the lawsuit can be claimed:

(a) Establishment of the fact that the respondent has acted discriminatory against the plaintiff;

(b) Prohibition of exercising the activity that bears potential treat of discrimination, i.e. prohibition of repetition of discrimination activity;

(c) Elimination of the effects of discriminatory treatment;

(d) Compensation of damage, in accordance with the law;

(e) Publication in the media, on the expenses of respondent, of the judgement establishing discrimination.

12. In certain cases the lawsuit can be exert together with the claim for protection of the right of which is decided in a civil proceeding, if those claims are correlated and based on the same factual and legal ground.

13. The lawsuit may be filed within a year from cognition that discrimination is committed and not later than three years from the day when discrimination is committed.

14. CEDAW is mandatory part of education when it comes to presentation of international instruments and standards for gender equality for different target groups. CEDAW and Optional Protocol are obligatory topics of a Module "International and national legal framework for protection against discrimination". On the website of MHMR, there is CEDAW banner showing all reports and publication containing CEDAW and the Optional Protocol in Montenegrin (www.mmp.gov.me/ResourceManager/FileDownload.aspx?rId=90264&rType=2), which is distributed in hard copy to relevant institutions.

National machinery for the advancement of women

Question 3

15. In 2016 is established a new institutional mechanism for implementation of gender equality policy -National Council for Gender Equality as an expert advisory body to discuss issues of implementation of gender equality policy at national and local level. The Minister for HMR chairs the Council, which has 21 members of which four members are from NGO. The first meeting of the Council was held on 24 October 2016. To discuss issues in certain areas of importance for gender equality in the framework of the Council, are formed *advisory bodies — committees* (eight), which further monitor implementation and improvement of equal opportunities policy within respective areas and are adopted Rules of procedure. Its work will be focused on monitoring of gender mainstreaming integration. Council members do not receive compensation for work in this body.

16. In September 2016 MHMR and the Statistical Office of Montenegro have concluded a Memorandum on cooperation on the project "The index of gender equality" and other joint activities in the field of anti-discrimination, gender equality and minority rights. In October 2016, these institutions published a jubilee edition of the publication "Women and Men in Montenegro in 2016", which is the sixth edition, starting from 2006 and whose aim is to in one place show the largest number of features disaggregated by sex (www.mmp.gov.me/rubrike/Publikacije/166949/zene-i-muskarci-u-Crnoj-Gori-2016.html).

Temporary special measures

Question 4

17. General measures are prescribed by the Law on the Constitutional Court of Montenegro, the Law on the Judicial Council and Judges and the Law on Public Prosecution from 2015 which stipulate that the proposers are bound to when proposing candidates care about gender balanced representation.

18. Currently 63 per cent of judges in Montenegro are women. When it comes to prosecutors, 60 per cent are women. Presidents of the Supreme and the Constitutional Court are women.

19. Positive measures are defined by the strategic documents and action plans for promoting and achieving gender equality. Local action plans for gender equality, which were adopted in 12 municipalities, have special importance. In December 2016, for the purpose of monitoring the implementation of local action plans, MHMR presented Draft analysis of the signed memorandums of cooperation with local self-governments, which includes an analysis of local action plans.

20. A positive example of encouraging women's entrepreneurship and improving the position of women in the labour market are programmes of the Investment Development Fund of Montenegro for 2016 and 2017. They provide support through three credit lines, one of which provides for interest rate of 0 per cent, while in others interest rate ranges from 2 to 3 per cent with certain grace period.

21. In 2016, the Government of Montenegro adopted the Strategy for Youth, which includes measures to improve the situation of women.

Stereotypes

Question 5

22. MHMR is proceeding with continuous training and promotions in order to eliminate discrimination and gender stereotypes. Two workshops were organized for media representatives in 2016. In November 2016, during the campaign "16 Days of Activism", MHMR and OSCE presented a video on gender-based violence, which was broadcast on 12 Montenegrin TV stations. Also were broadcast video clips with messages about gender-based violence, in Montenegrin, Albanian and English language. Messages were passed by men and were related to the elimination of stereotypes as one of the main causes of gender-based violence.

23. In November 2016, MHMR issued a bulletin on human rights comprised of information regarding human rights and fight against prejudice and presented it in several primary and secondary schools.

24. The analysis of media coverage from the gender aspect is in the process of development within the project "IPA 2014 Support to anti-discrimination and gender equality policies", which is implemented by MHMR and UNDP.

25. In 2016, the Capital City Podgorica, supported the implementation of several projects that promote gender equality (e.g., publication of a book "The process of socialization of gender equality" — the author has Master in Gender Studies). The use of gender-sensitive language is improved with several media in accordance with the LGE. Media in Montenegro are increasingly dealing with issues relating to women's rights — and among broadcasters the public service of Montenegro stands out with thematic shows on gender equality and is regularly informing the public about the campaign and the activities within the competence of MHMR. Certain local broadcasters introduced educational programmes on gender equality in the regular programme.

Violence against women[1]

Question 6

26. In 2016, the Government adopted a Report on the implementation of the Law on Protection against Domestic Violence (LPADV), which presented results of the application of LPADV for the period 2010-2015. It contains recommendations for improvements in the field of domestic violence. Preparation of the Report was supported by UNICEF with expert consultancy. LPADV is assessed as very good and in line with international standards. The problems in its implementation, discovered by data analysing, are not arising from legislation, but from the problems of interpretation of the Law, the lack of financial, operational and human resources, low level of sensibility of persons who apply the law and the like.

27. The report identifies good practices relating to: intensive work on harmonization of relevant legislation to this Law; work of centres for social work (CSW) and the introduction of new measures to assist and protect victims of domestic violence; successful activities in raising awareness and training of professionals; good cooperation and involvement of NGO sector; facilitation of provision of free legal assistance to victims of domestic violence; increased sensitization in the work of police and overall good implementation of protective measures and reporting cases of domestic violence; formation of multidisciplinary teams; implementation of the Protocol on acting, prevention and protection from domestic violence; increased number of convictions for reported violations and increased number of protective measures; opening of national SOS lines.

28. Also, there were identified deficiencies such as inadequate coordination in dealing with victims of violence between institutions; lack of capacities and resources of CSW and health institutions; lack of separate and specialized services for children who are victims of domestic violence; lack of a uniform way of collecting data and the absence of indicators for evaluation and monitoring of the application itself; insufficient training of health workers and associates for specific types of violence (violence against children, against women, persons with disabilities, the elderly and others.), and in terms of identifying victims and reporting cases of domestic violence.

29. Recommendations concerning strengthening of human and operational capacities of CSW in the area of protection from domestic violence were given to institutions; developing an integrated system of data collection and indicators for monitoring and evaluating cases of domestic violence, as well as implementation of specific training of health workers to identify certain types of violence, and to form expert teams in health care institution s of primary health care in which there are no trained expert teams, to implement protective measures of mandatory psychosocial treatment.[2]

30. In 2016, to the Inspection of social and child protection were filed two reports related to the failure of CSW in relation to violence/abuse against women. Reports

[1] The responses to questions 6, 7, 8 and 9 from the area of violence and in jurisdiction of the Supreme Court and the Ministry of Interior - Police Directorate, we are submiting enclosed to the statistics document.

[2] http://www.gov.me/ResourceManager/FileDownload.aspx?rId=253391&rType=2.

were submitted through the NGO Centre for Women's Rights, and were related to the failure to act of those organs which resulted in abuse/neglect of children related to reported violence/abuse against women. Acting Inspector initiated the process of control for both cases.

31. With the application of positive experiences and best practices from developed European police services in relation to domestic violence and family community, the Police Directorate, within its jurisdiction, gives special attention to preventive action, operational work in the field, continuing education of police officers, improving the statistical and analytical monitoring and reporting (see annex III).

32. As for the unique database, the Police Directorate keeps separate records of crimes and misdemeanours of domestic violence. Crimes of domestic violence are promptly entered in the electronic database, with all specificities carried with this offense. As for misdemeanours of domestic violence, the electronic database does not fit the details and features that characterize these misdemeanours. Development of this database is in progress, so the data on misdemeanours of domestic violence are not recorded electronically.

33. VTC, in cooperation with NGO "SOS Hotline for Women and Children Victims of Violence" — Podgorica, *prepared a programme of education of employees in educational institutions on acting, prevention and protection of children and young persons from violence in the family*, which was adopted by the National Council for education. Through this programme were trained several groups of teachers from Montenegro.

34. The Municipality of Tivat developed an Informative booklet on the procedure in case of violence. in cooperation with the CSW for municipalities Kotor, Tivat and Budva, the Police Directorate and the Department for Security Tivat.

Question 7

35. See the response to question No. 6.

36. Marital rape in Montenegrin legislation is not recognized as a criminal offense, so it is impossible to speak about the ex officio prosecution and punishing perpetrators.

37. According to data from the NGO Women's Safe House, the Ministry of Interior (MI) in the last two years led disciplinary proceedings against two police officers, for serious breach of official duty — violations of the Code of Police Ethics. In the first case breach was misconduct — violence towards his wife, for which a police officer was fined in the amount of 30 per cent of the monthly salary for a period of two months. In the latter case, breach was a misconduct and physical abuse — violence towards his wife and son, for which the police officer was fined in the amount of 30 per cent of the monthly salary, for a period of six months. In 2014/15, the Council for Civil Control of Police had five cases of control of police powers in the area of domestic violence. Three complaints were filed by victims of domestic violence, one by NGO Women's Rights Centre, and one complaint was considered by the Council on its own initiative, on the basis of media reports. In one case, the Council could not establish a violation of police powers, and the work on others is ongoing. Neither before the Constitutional Court, nor before international

bodies such as the European Court of Human Rights or the United Nations Committee, were brought relevant cases for Montenegro in this area.[3]

Question 8

38. See the response to question No. 6 and annex III.

Question 9

39. See the response to question No. 6.

40. The Ministry of Labour and Social Welfare (MLSW), as well as CSWs, are using the Social Welfare Information System (SWIS) — Social Card, for two years now. In the context of services provided by centres, it is developed a special module/form for domestic violence, through which centres process all reports of domestic violence, regardless of whether the violence is reported to a CSW or to the Police Directorate. In this way is established a unique database for reports of violence. Exchange of information on the reported violence between CSWs and police organs, is executed through sharing reports in paper, and after that these reports get entered in SWIS. As CSWs and the police are obliged to exchange data, in SWIS is generated a unique base of reports of domestic violence.

41. MLSW, every six months receives information on lawsuits failed by the Prosecution and on the status of the cases and the verdicts from Judicial Council. The data are presented in tables and are bind to specific time period.

Question 10

42. Article 44 of this Law provides that the law shall come into force eight days after publication in the Official Gazette of Montenegro, and that shall apply upon the accession of Montenegro to the European Union. Note that in Montenegro there is still no special fund for compensation of victims of criminal offences of violence, or fund for compensation of victims of violence against women.

Trafficking in women and girls

Question 11

43. In Montenegro, there is no law on human trafficking but this issue is regulated by Article 444 of the Criminal Code (CC), which defines the crime itself and determines the range of sentences for its execution. In the last two years, before the competent courts, no proceedings for crimes under Article 444 of CC — trafficking in human beings — were initiated. The last final court decision for this offence was delivered in 2014 before the Basic Court in Ulcinj. In Montenegrin courts which are responsible for dealing with cases of human trafficking, are established services to support damaged witnesses. In the first quarter of 2017, the Supreme Court will issue and distribute innovated Informer for victims of trafficking and domestic violence.

[3] Information taken from the "Analysis of compliance of legislative and strategic framework of Montenegro with the CE Convention on Preventing and Combating Violence against Women and Domestic Violence", Women's Safe House, Podgorica, 2015.

44. The issue of temporary residence is regulated by the Law on Foreigners of 2015, which regulates the special rights for foreigners who are granted residence permits on humanitarian grounds: In accordance with Article 50, which refers to a temporary stay on humanitarian grounds, the permit for temporary residence on humanitarian grounds can be issued to a foreigner who is supposed to be the victim of the crime of human trafficking or victim of the crime of domestic violence or violence in family community, then to a minor foreigner who is abandoned or is a victim of organized crime or for other reasons left without parental care or unaccompanied a foreigner for particularly justified humanitarian reasons.

45. The Law stipulates that a foreigner who was identified by the police as a victim of crime of human trafficking, has the right to in a period of 90 days, decide if he/she will cooperate in criminal proceedings, or whether he/she will join the prosecution or be a witness in this proceeding (reflection period). A minor who was found to be the victim of the crime of human trafficking will not be returned to any state if, after the assessment of the risk and its security, there are circumstances indicating that such a return would not be in his best interest.

46. During the reporting period there were no applications for temporary residence permit for residents who stayed in the shelter for victims of human trafficking. At the same time, Article 2 of the Agreement on cooperation in the fight against human trafficking defines that „the signatories of the Agreement agreed to provide assistance to potential victims or victims of human trafficking, in accordance with this Agreement, regardless of the will of potential victims or victims of human trafficking to participate in criminal proceeding for the crime of human trafficking". In accordance with the Agreement, assistance and protection of victims of trafficking is provided on a voluntary basis and the consent of the victim after identification.

47. During identification, the victim is offered the possibility of accommodation in the Government Shelter for victims of trafficking. The victim, if necessary is informed in his/her native language about the country, city, location where he/she is settled. After sheltering, the victim get informed that he/she is in a safe and secure place and is offered help and support that is provided regardless of whether he/she is about to testify and participate in the process against the traffickers or group. Victim is entitled to a period of reflection up to 90 days. Victim is informed of his/her rights and national legislation on the punishment of traffickers if the court proceedings prove trafficking in human beings. In the case of participation in the trial he/she has the right to free legal aid.

48. If the victim does not want to cooperate and to be sheltered, he/she get informed that in case of changing his/her mind, he/she can turn to SOS line for anti-trafficking or the nearest police station. The statements and the identity of the victim always remain anonymous to the public. For minors, it is necessary the inclusion of social workers as guardian organ. In the shelter are conducted educational workshops adjusted according the age of the victim. Competent social worker as guardian determines an individual work plan that is tailored according the age, interests, personal ability and willingness of a minor. In addition to the staff in the shelter and the guardian, for each case individually meets the Coordination Body, which was established on the basis of the Agreement where all responsible institutions consider cases and make decisions in the best interest of the person.

49. As part of regular inspections and increased inspection supervision, especially during the tourist season in 2015 and 2016, potential trafficking victims were not identified.

50. In May 2016, MHMR, the Office for Fight against Human Trafficking (OFAHT) and NGO "Montenegrin Women's Lobby" signed a Memorandum on mutual cooperation in the field of prevention and provision of assistance and protection to victims and potential victims of trafficking in Montenegro.

Question 12

51. The Government of Montenegro allocates necessary funding for the operation of the Shelter for victims of trafficking in Montenegro through the budget programme of OFAHT. Pursuant to the Agreement signed between the Office and NGO "Montenegrin Women's Lobby" on the project to protect victims of trafficking, the Office committed to from its own funds cover all expenses including rents, utilities and salary for employed activists, regardless of whether in the shelter there are victims or not, so that professional staff and premises of Shelter at any time could be available.

52. Victims are provided with so called initial recovery in the Shelter, by providing a basic assistance package — food, hygiene products, medicines, clothing, shoes and the like. In accordance with the specific needs of each individual victims, are made and implemented individual work plans, with the aim of their (re)integration. During 2016, on the financing of shelters was spent an average of €28,000.

Participation in political and public life

Question 13

53. Amendments to the electoral legislation from 2014, influenced 2016 parliamentary elections. In the current convocation of the Parliament of Montenegro (26th convocation) of 81 MPs, 19 are women, or 23.46 per cent, what represent an increase compared to the 25th convocation when there were 15 women or 18.5 per cent. This is the best result in the history of Montenegrin parliamentary system (see annex IV).

54. During May, June and September 2016, MHMR and UNDP conducted 12 training sessions for members of political parties under the IPA project "Support to anti-discrimination and gender equality policies". A number of representatives of political parties were trained for trainers for gender equality. In June 2017, MHMR and UNDP organized a Solemn Academy on the occasion of 70 years (from 1946) from obtaining voting rights for women in Montenegro, in order to promote the political participation of women. In the course is the conduct of two researches, gender mirror of political parties and the media, which will be completed and presented in 2017.

55. In December 2016, in cooperation with UNDP and partner organizations, MHMR organized in Budva a conference on enhancing gender equality in the countries of the Western Balkans and Turkey, which brought together more than 100 representatives of mechanisms for gender equality. The aim of this conference was

to create a regional platform for gender equality so to strengthen cooperation between regional mechanisms.

56. In December 2016, MHMR organized a workshop on empowering members of minorities and other minority communities, with a focus on Roma women in order to empower them to practice politics.

57. During 2016, with financial support from the Commission for allocation of funds from lottery, and in cooperation with MHMR and Gender Equality Office Bar, NGO SPES implemented the project "For the greater participation of Roma and Egyptians women in public and political life of Montenegro".

58. In July 2016, Gender Equality Committee adopted the Action Plan for gender responsible Parliament of Montenegro, September 2016-September 2018. The implementation of the Plan should influence the awareness on gender equality issues and the importance of the integration of gender equality policies, as well as the establishment of mechanisms for achieving gender equality in Parliament. Development of this document was supported by OSCE, by engaging the experts of ODIHR, who developed Guidelines, which served as manual for the development of this plan.

Education

Question 14

59. In June 2016, in cooperation with nine preschool institutions, in nine municipalities was successfully organized a Preparatory kindergarten for 111 children of Roma and Egyptian population. The Ministry of Education, Institute of Education (IE) and MHMR conducted a campaign for enrolment of Roma and Egyptian children in the first grade. Leaflets, printed in Montenegrin, Albanian and Roma language, giving detailed instructions on enrolment were disseminated.

60. In 2016, IE provided training for 22 teachers and financial supported nine Roma mediators.

61. With the aim of desegregation, the regional department of elementary school "Bozidar Vukovic Podgoricanin" for students of RE population in the camp Konik is closed, and these students are deployed in seven primary schools in Podgorica.

62. All students of RE population in Montenegro are provided with free textbooks. MHMR provided free textbooks for the first cycle of primary education and for other pupils the Ministry of Education (ME). It also provided transportation for all students of RE population in Podgorica. For the upcoming school year 2017/18 is planned the financing of 20 mediators for the work in schools for the needs and help to the students of RE population in Montenegro.

63. CVE developed occupation and qualification standards and Education Programme for the acquisition of professional qualifications for the position of Associate in the social inclusion of Roma and Egyptians in the field of education.

64. Through the project "Scholarship fund and mentoring for secondary and university education of Roma and Egyptian youth in Montenegro", implemented by the IE in cooperation with secondary schools, is introduced mentoring for students

of RE population in gymnasiums and vocational schools, with the aim to reduce dropout and provide for better achievements.

65. In 2016, in secondary education were included 96 Roma and Egyptians, of which 36 were girls. 27 mentors in 19 secondary schools in Montenegro were engaged. In university education were included 16 Roma and Egyptian students, of which 10 were girls, and for them were provided scholarships.

66. In 2016, MHMR prepared and Government adopted a "Strategy for social inclusion of Roma and Egyptians 2016-2020", which envisages affirmative measures.

67. For scholarships of Roma and Egyptians in secondary schools and university MHMR provided €75,000 in 2014, €80,000 in 2015 and €80,000 in 2016.

Employment

Question 15

68. Earnings of an employee in the public sector is determined by an individual act, in accordance with the new Law on Salaries in the Public Sector from 2016 and the General Collective Agreement, governing the principle of equal pay. Determining the salaries of employees in the public sector based on the principles of uniformity of salaries in the public sector for work on the same or similar positions and jobs that require the same level or sublevel of qualifications; transparency of earnings and fiscal sustainability of earnings.

69. The Labour Inspection (LI), as part of its regular activities, and following a report of employees, is controlling the payment and regularity of wages and respect for this principle. Cases of unequally paid salaries or fringe benefits, with one employer in the public or private sector in relation to gender were not determined.

70. LI is taking measures aimed at combating grey economy (illegal employment) on the labour market.

71. To more efficient fighting of illegal employment contributed also the acting of LI on initiatives of citizen, trade unions, NGOs and employees, which in 2016 were 1,806 in the field of labour relations and employment (applicants: 585 men, 449 women, and 772 anonymous) and all were related to illegal work in all its forms. Combating illegal employment of foreigners contributed to the engagement and joint control of labour inspectors and inspectors for foreigners from the Police Directorate of MI, which during 2016 were 277.

72. In the reporting year were found 1,977 illegal workers (839 Montenegrin and 1,138 foreigners, of which 1,444 men and 533 women), and after the measures taken by LI, them 757 (502 men and 255 women) set up a working relation in the accordance with the Law on Labour and the Law on Foreigners. Of that number, 501 Montenegrins (314 men and 187 women) and 256 foreigners (188 men and 68 women) legally employed.

73. During the tourist season from 1 June-1 September 2016, 1,171 persons had informal work (59 per cent at the level of the year), and after LI took measures, 482 persons were introduced in the legal framework (64 per cent at the level of the year).

Question 16

74. *Inspection Administration* in 2016 recorded three cases of reported discrimination pertaining to: preventing t performance of the tasks for which is concluded a contract of employment, than the abolition of the position and declaring redundancy, deployment to another position and salary reduction, working conditions and deployment to appropriate positions. Only one report concerning violation of labour rights was founded. After inspection control violation was removed.

75. Applicants were informed in writing about the course and outcome of the inspection supervision, and were referred the Protector and competent court for potential protection from discrimination, in cases where LI did not find violations from labour and based on labour,

76. LI in 2016 submitted four initiatives related to the abuse at work-mobbing, referring to: non-determination of intermediary for mobbing, non-performance ("empty desk" mobbing).

77. In cases of failure to select an intermediary, Inspection responded by pointing to the employer on a legal obligation, and for the rest it referred the parties to the Protector and eventual protection of rights before the Agency for peaceful settlement of labour disputes and competent court.

Annex V

78. Before the Montenegrin courts is not formed any civil case relating to discrimination against women based on sex.

Question 17

79. During 2016 were realized two Programmes of support to business development implemented by women through the Investment Development Fund — IDF. This is a basic Programme of support for women in business, as well as special UNDP Programme for support women in business, which is implemented in cooperation of MHMR and UNDP. Through these programmes, in 2016, IDF has funded 38 projects in the amount of €1,068,298.09.

80. The above-mentioned basic *Programme of financial support to women in business* aims to stimulate and support women's entrepreneurship, in a way to allow access to funds amounting to €200,000 (for entrepreneurs up to €50,000) to women who initiate or further develop business, with an interest rate of 3,5 per cent, or 3 per cent if the project is implemented in the north of Montenegro and less developed municipalities — Niksic, Ulcinj and Cetinje, and the repayment period up to 12 years, including the possibility of using the grace period up to 4 years. IDF funds that were granted in the previous year by virtue of the said programme were intended for investment in basic assets, tangible and intangible assets, as well as for working capital (up to 30 per cent of the total loan amount). Also in 2016 the IDF has funded 14 projects in the amount of €866,448.09, of which eight from their own loan potential, and six projects through banks.

81. *UNDP Programme of support to women in business*, which is being implemented in cooperation of MHMR and UNDP from 2015, to all interested

women in addition to the financial support of IDF, is given the possibility of education or training in the field of entrepreneurship. Conditions for obtaining financial support of IDF, defined by this Programme, in 2016 called for the loans in the amount of up to €10,000 at an interest rate of 2.5 per cent or 2 per cent if the project was implemented in the north of Montenegro and less developed municipalities — Niksic, Ulcinj and Cetinje, and the repayment period up to six years, including a grace period of one year. Under this programme, which included funding solely from the loan potential of the IDF, in 2016 were supported 24 projects in the amount of €201,850.

82. During 2016, the Employment Agency has implemented education and training programmes for 454 unemployed persons, of which 59 per cent were women. In 2016, this institution implemented a training programme for work with the employer covering 250 long-term unemployed persons who have not been employed in the last 12 months, since their previous knowledge was not sufficient for employment. Of the total number, 114 were women.

83. In order to mitigate the effects of long-term unemployment, in 2016 was implemented a programme of training for independent work for 71 unemployed persons with acquired secondary education less than two years ago, with no experience at the level of education. Of these 30 were women.

84. Programme "Public Works" was carried out in cooperation with ministries, local governments, public institutions, NGOs, employers and other entities. In public works are employed for a definite period, in average duration of six months, 1,096 less employable unemployed persons from the records of the Agency, of which 69 per cent are women.

85. Programme "Young people are our potential, give them a chance," was attended by 60 per cent women, who were aged under 30, with higher education, work experience at the level of education, advanced computer skills and English.

86. Within the pilot programme of training and employment of youth to prevent grey economy "Stop the grey economy" were engaged 100 persons from the register of the Agency aged up to 29 with higher education and work experience at the level of education, of which 56 per cent were women.

87. In 2016, vocational rehabilitation measures included 210 persons (205 persons with disabilities, and five other less employable persons), of which 118 were women.

88. In 2016, measures of counselling, encouragement and motivation of persons with disabilities to actively seek employment and determining the remaining work capacity included 120 persons with disabilities, of which 70 were women.

89. In 2016, measures of analysis of a specific work position and working environment of persons with disabilities, development of a plan to adapt the workplace and the working environment for a person with disability, development of a plan of necessary equipment and resources for a person with disability, included 39 persons, of which 23 were women.

90. Measures consisting of help in accepting own disability and introduction to the possibility of involvement in training and work, help in choosing the appropriate

professional goals and development of social skills, in the reporting period included 45 persons with disabilities, of which 26 were women.

91. A measure of vocational training for exact workplace, in 2016, included two women with disabilities.

92. A measure of monitoring persons with disabilities in the workplace after employment, in 2016, included 21 persons with disabilities — 10 women. Vocational rehabilitation trainers made the evaluation of success of rehabilitation process for 20 persons with disabilities — 8 women.

93. On 31 December 2016, 144 employers exercised the right to subsidized income for 222 employees with disabilities — 94 women.

94. During 2016, the active employment policy programmes included 22 members of Roma and Egyptian population, of which eight were women.

95. During 2016, MHMR and UNDP, in the framework of IPA II Project "Support to anti-discriminatory and policies of gender equality", started their activities on the development of women entrepreneurship in Podgorica and Niksic, which are focused on education, mentoring and business plans for 100 women from these municipalities. Project activities will be implemented in cooperation with NGOs and also was formed the Advisory Committee for monitoring the economic empowerment of women.

Question 18

96. Montenegrin Employers Union (MEU) does not keep records or has data on the number of users of parental leave.

97 Through its activities, MEU promotes flexible working arrangements.

98. Promotion within the framework of cooperation between MEU and International Organization of Employers (IOE).

99. In 2014, MEU translated and posted on its website a stance, i.e. a Position paper of IOE in this field, which can be downloaded from www.poslodavci.org/biblioteka/komentari/ioe-fleksibilni-oblici-rada.

100. The Government is implementing the principle of equality and non-discrimination, on legislative and political level, and there are a number of companies that have their own policies to implement these principles. In order to support the business community in terms of creating a successful model for the implementation of the principle of equality and non-discrimination in business practice, MEU in cooperation with the ILO implemented the project "Promotion of equality and non-discrimination in Montenegro".

101. As part of this project, in the period from March 2014-February 2015, MEU conducted the following activities:

(a) MEF developed and published three publications with a detailed overview of the national and international regulations, conventions and recommendations of international institutions and organizations, basic steps and the most common instruments used in planning and management of equal opportunities and treatment (including equality policies, action plans and affirmative action

measures), as well as numerous practical advices, instructions and examples of business practices. All three publications are published under the same title, "Promotion of equality and prevention of discrimination at work in Montenegro", with different subheadings: 1. Legal framework; 2. Guiding principles; 3. Guide for employers;

(b) Publications are published in Montenegrin and English language, and can be downloaded from the website www.poslodavci.org;

(c) After the training conducted by experts of the ILO, is formed a team of trainers of MEU on this area;

(d) MEU organizes educational seminars for representatives of public, private and civil sectors, as well as students.

102. In abovementioned activities MEU promoted to businessmen the application of flexible working arrangements that include, among others, the following models: part-time work, flexible hours, working from home, distant working, etc. Of course, each of these models must include care for protection of workers' dignity, safety and health, on what MEU particularly insists.

Health

Question 19

103. Health care is provided in accordance with the Law on Health Care (LHC) and health insurance for citizens — insured users of health services in Montenegro, by the Law on Health Insurance.

104. The State provides for priority health-care measures that are aimed at preserving and improving the health of citizens, including women with regard to reproductive and sexual health, and women over 65, without the participating in the costs of obtaining health services. Participation of citizens who are not exempt from participation is symbolic. Health care is fully provided to women from Roma and Egyptian population, at all levels of health care. As for this population as the local population, the health insurance is on an equal footing with other citizens, and for women of this population who have the status of displaced persons and refugees, the normative framework in Montenegro provides for regulation of the status in accordance with the Law on Foreigners. Women who have acquired the status of foreigner with permanent residence are fully equal in obtaining health services as other citizens, and to persons — women who have not regulated their status (possibly with a view to return to the country of origin), health care is entirely provided until they decide about regulation of their own status in the manner also provided for the other areas in the legal system of Montenegro. LHC applies on foreigners in accordance with international treaties to which Montenegro is a signatory in the area of health insurance, provided that the foreigner bears the expenses of provided emergency medical assistance and other types of health care according to the price list of a health institution, if an international treaty does not provide otherwise.

105. Also see response to question 22.

Rural women

Question 20

106. The Ministry of Agriculture and Rural Development (MARD) issues various public calls for support to agricultural production. In 2016 was issued a public call for the allocation of support for diversification of economic activities in rural areas, and then arrived 17 applications — holders and six applications were women. Investments for 13 applicants (holders of three projects were women) were approved. Of these 13 applicants, seven successfully implemented the projects (two women), and obtained the support of €17,624.40.

107. Several video programmes on agri-business, including those implemented by women were produced, and are posted on YouTube, the website of MARD, social networks, and broadcast on variety of media.

108. In 2016, the Ministry has issued a public call for the allocation of investment support for processing on the farm, and then came 114 applications (holders of 15 applications were women). Of this, 64 projects have been successfully implemented for a total of €405,000.00, and gain support in the amount of €202,500.00, of which eight women received support of €27,013.01.

109. In 2015, 51 women as a natural person and 10 business companies where CEOs are women have applied for IPARD call. Under this project contract was signed by 31 women — as a natural person (investment of €1,288,371.71) and four women as CEOs of business companies (investment of €168,450.92). In 2016, was paid for 13 projects implemented by women. Value of support for these projects is €242,125.98. As well are paid two projects implemented by women CEOs of business companies in the amount of €33,992.70.

110. Through IPARD II in 2016 were signed six contracts whose holders are women (CEOs), and whose value of investment is €394,282.37.

111. Through a Programme of development of agriculture and rural areas within the IPARD II 2014-2020 (IPARD II programme) to Montenegrin agriculture is available €39 million of EU support. Through the implementation of measures of Investment in physical capital of farms and diversification of farms and business development, when ranking applications, extra points are awarded to applications whose heads are women.

Disadvantaged groups of women

Question 21

112. In March 2016, the Government, adopted the "Strategy for Social Inclusion of Roma and Egyptians in Montenegro 2016-2020". The Strategy has seven areas: housing, education, health care, employment, legal status, social status and family welfare (within which are defined four sub-areas, namely: the fight against domestic violence and violence against women, prevention and control of begging, combating human trafficking and preventing the conclusion of children's illegal marriages), culture, identity and information. Gender issues and anti-discrimination are cross-cutting issues in all areas.

113. As regards employment, in contrast to 2005, when was launched the project "Decade of Roma Inclusion 2005-2015" when there were no members of Roma and Egyptian community employed in the state organs, the situation is currently as follows: in state and local self-government organs are working ten members of Roma and Egyptian population while 18 of them are attending university. It is planned to employ during 2017, two Roma health mediators and around 20 mediators in education. Until now, the mediators were paid through projects. MHMR continuously organizes training for parents, children, RAE activists, civil servants on protection against domestic violence and juvenile forced marriages among the Roma population in all the country's cities where there is a significant number of members of this population. The activity is being implemented in cooperation with MI, OFAHT, local governments, Roma Council, Roma NGOs. In addition to training, are also organized campaigns, i.e. visits to Roma settlement on the issue of violence against women and forced marriages of RE girls. Continuously are organized trainings for the empowerment of members of minority groups and other minority communities, with a focus on Roma women in order to empower them to politics.

Question 22

114. According to data from 2015, the health care in Camp Konik where live members of RE population is very well organized, as more than 10,000 persons chose personal physician of which 6,456 personal physician for adults, 1,743 paediatricians and 1,886 gynaecologists. Also were distributed educational brochures on the availability of health care. In 2016, MHMR organized the ultrasound and gynaecological examinations for 30 Roma and Egyptians from Camp Konik.

115. VTC has prepared occupation and qualification standards, and based on that, the education programme for the acquisition of professional qualifications — Associate for social inclusion of Roma and Egyptians in the field of health. The first group of participants is trained and their employment is planned in health centres in several municipalities in Montenegro, with the aim to, as the staff to carry out mediation between the health system and the population of Roma and Egyptian, contribute to better health care for this population.

Marriage and family relations

Question 23

116. The Law on Amendments to the Family Law was adopted on 22 July 2016 and its implementation is scheduled beginning from 19 May 2017. The provisions of the Family Law that regulate property rights of married and unmarried spouses and family members have not suffered major changes, but was made a few amendments relating to the composition and division of joint property acquired during the marriage or common-law marriage. In this regard, Article 288 stipulates that common property constitutes property which spouses acquired by work and based on work in the course of the marriage, as well as income from that property, and that the common property also includes income provided from separate property where income is obtained from the work of spouses, property acquired using the

intellectual property rights, property acquired basis on insurance, as well as lottery, all in the course of marriage.

117. Excerpts from certain provisions of the Family Law regulating property rights of married spouses:

Article 285

Spouses may have separate and joint property.

Article 286

Separate property shall consist of the property that a spouse obtained before entering into the marriage, as well as the property that the spouse obtained during the marriage by inheritance, gift or other forms of obtaining property free from encumbrances.

Every spouse shall independently manage and dispose of his/her separate property, if the spouses do not agree otherwise.

Article 287

If during the marital community there was a slight increase in the value of the separate property of one spouse, the other spouse shall have the right to claim in money the amount proportional to his/her contribution.

If during the marital community there was a slight increase in the value of the separate property of one spouse, the other spouse shall have the right to a share of the property which would be proportional to his/her contribution.

Article 288

Joint property consists of the property that spouses gained by their work during the marriage, as well as the incomes from that property.

The incomes from the separate property gained by work of the spouses are incorporated into the joint property, as well as the property gained on games of chance, unless a spouse invested his/her separate property into the game.

Article 289

Rights of spouses regarding joint property, in terms of the article 288 of this Law, shall be registered in register of immovables and other appropriate registers under the names of both spouses as their joint property without determining the ownership over the parts of it.

If only one spouse is entered in register of immovables and other appropriate registers as the owner of the joint property, it shall be considered that the entry was made on behalf of both spouses, if the entry was not made on the basis of a written agreement made between spouses.

If both spouses are entered in register of immovables and other appropriate registers as co-owners on the precisely defined parts of the property, it shall be considered that they have divided the joint property in that way.

Article 290

A spouse may not manage his/her share in the undivided joint property and he/she cannot place legal encumbrances on the property *inter vivos*.

Article 291

Joint property, during the marriage, shall be managed and disposed of jointly and by mutual consent of both spouses.

Article 292

Spouses may conclude a contract regulating that one of them shall perform the activities of managing and disposing of the whole joint property or its parts. The contract can be limited only to the management or only to the disposition. When not agreed otherwise, management shall include disposition within regular business operation.

Contract may refer to all the activities of management and disposition or only to the activities of regular management or to certain individual activities.

Each spouse may terminate the contract on management or disposition of joint property at any time, except in the time in which it is obvious that termination of the contract shall inflict da-mage to the other spouse.

Article 293

Spouses may amicably divide the joint property by determining the parts in the whole property or a part of the property or of an individual item, as well as by determining that each spouse obtains certain items or rights from the property or that one spouse pays the other spouse the monetary value of his/her part.

The agreement referred to in the paragraph 1 of this Article must be made in written form.

Article 294

If an agreement is not reached, the property of spouses shall be divided to equal parts.

At the request of the spouse who proves that his/her contribution in gaining the joint property is obviously and significantly higher than the contribution of the other spouse, the court shall divide the joint property according to the contributions of each spouse.

When determining the share of each spouse the court shall take into account not only the incomes and earnings of each spouse, but also the support that one spouse provides for another, the work, household and family, care for upbringing of children and every other form of cooperation in management, maintenance and increase of joint property.